

SSB 6635 - S AMD 113

By Senators Franklin, Rasmussen, Hargrove, Benton, Zarelli

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1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 26.33.045 and 1995 c 270 s 8 are each amended to read
4 as follows:

5 (1) An adoption shall not be delayed or denied on the basis of the
6 race, color, or national origin of the adoptive parent or the child
7 involved. ((However,))

8 (2) When ((the department or an agency considers)) considering
9 whether a placement option is in a child's best interests, the
10 department or agency may consider the cultural, ethnic, or racial
11 background of the child and the capacity of prospective adoptive
12 parents to meet the needs of a child of this background if:

13 (a) A particular child presents specific compelling special
14 circumstances; and

15 (b) Consideration of the child's cultural, ethnic, or racial
16 background is the only way to achieve the best interest of that child.
17 ((This))

18 (3) The department shall create standardized training to be
19 provided to all department or agency employees involved in the
20 placement of a child to assure compliance with Title VI of the civil
21 rights act of 1964 and the multiethnic placement act of 1994, as
22 amended by the interethnic adoption provisions of the small business
23 job protection act of 1996.

24 (4) The provisions of this section shall not apply to or affect the
25 application of the Indian child welfare act of 1978, 25 U.S.C. Sec.
26 1901 et seq.

27 NEW SECTION. Sec. 2. A new section is added to chapter 26.33 RCW
28 to read as follows:

1 (1) The department shall establish and maintain, by rule, a
2 schedule of standard adoption-related fees that may be charged. The
3 fee schedule shall be established in consultation with:

- 4 (a) Adoption advocates;
- 5 (b) Agency representatives;
- 6 (c) Adoption attorneys;
- 7 (d) Child welfare advocates;
- 8 (e) Birth and adoptive parents and adoptees;
- 9 (f) Federally recognized tribes; and
- 10 (g) Superior court judges.

11 (2) Each adoption petition filed pursuant to RCW 26.33.150 seeking
12 adoption of a minor child shall be accompanied by a written disclosure
13 statement containing an itemized accounting of all moneys paid or
14 estimated to be paid by the petitioner for fees, costs, and expenses
15 related to the adoption. The form of the disclosure statement shall be
16 prescribed by the department in consultation with approved adoption
17 agencies licensed in this state.

18 (3) If any adoption-related fees disclosed in an adoption
19 proceeding are in excess of those established pursuant to subsection
20 (1) of this section, the court may forward a copy of the written
21 disclosure statement to the department.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 26.33 RCW
23 to read as follows:

24 The department shall, in consultation with adoption advocates,
25 representatives of adoption agencies, adoption attorneys, child-placing
26 agencies, birth and adoptive parents and adoptees, federally recognized
27 tribes, and representatives of the superior court judges, review the
28 fees associated with children adopted out of the foster care system who
29 are dependents of the state of Washington. The review shall include a
30 determination of whether fees or any other factors are barriers to
31 adoptions of children out of the foster care system. The department
32 shall brief the legislature by December 1, 2006, on recommendations
33 related to reducing any barriers that may exist pertaining to the
34 adoption of children who are dependents of the state of Washington.

35 **Sec. 4.** RCW 26.33.190 and 1991 c 136 s 3 are each amended to read
36 as follows:

1 (1) Any person may at any time request an agency, the department,
2 an individual approved by the court, or a qualified salaried court
3 employee to prepare a preplacement report. A certificate signed under
4 penalty of perjury by the person preparing the report specifying his or
5 her qualifications as required in this chapter shall be attached to or
6 filed with each preplacement report and shall include a statement of
7 training or experience that qualifies the person preparing the report
8 to discuss relevant adoption issues. A person may have more than one
9 preplacement report prepared. All preplacement reports shall be filed
10 with the court in which the petition for adoption is filed.

11 (2) The preplacement report shall be a written document setting
12 forth all relevant information relating to the fitness of the person
13 requesting the report as an adoptive parent. The report shall be based
14 on a study which shall include an investigation of the home
15 environment, family life, health, facilities, and resources of the
16 person requesting the report. The report shall include a list of the
17 sources of information on which the report is based. The report shall
18 include a recommendation as to the fitness of the person requesting the
19 report to be an adoptive parent. The report shall also verify that the
20 following issues were discussed with the prospective adoptive parents:

21 (a) The concept of adoption as a lifelong developmental process and
22 commitment;

23 (b) The potential for the child to have feelings of identity
24 confusion and loss regarding separation from the birth parents;

25 (c) Disclosure of the fact of adoption to the child;

26 (d) The child's possible questions about birth parents and
27 relatives; and

28 (e) The relevance of the child's racial, ethnic, and cultural
29 heritage, if considered pursuant to RCW 26.33.045.

30 (3) All preplacement reports shall include an investigation of the
31 conviction record, pending charges, or disciplinary board final
32 decisions of prospective adoptive parents. The investigation shall
33 include an examination of state and national criminal identification
34 data provided by the Washington state patrol criminal identification
35 system as described in chapter 43.43 RCW.

36 (4) An agency, the department, or a court approved individual may
37 charge a reasonable fee based on the time spent in conducting the study
38 and preparing the preplacement report. The court may set a reasonable

1 fee for conducting the study and preparing the report when a court
2 employee has prepared the report. An agency, the department, a court
3 approved individual, or the court may reduce or waive the fee if the
4 financial condition of the person requesting the report so warrants.
5 An agency's, the department's, or court approved individual's, fee is
6 subject to review by the court upon request of the person requesting
7 the report.

8 (5) The person requesting the report shall designate to the agency,
9 the department, the court approved individual, or the court in writing
10 the county in which the preplacement report is to be filed. If the
11 person requesting the report has not filed a petition for adoption, the
12 report shall be indexed in the name of the person requesting the report
13 and a cause number shall be assigned. A fee shall not be charged for
14 filing the report. The applicable filing fee may be charged at the
15 time a petition governed by this chapter is filed. Any subsequent
16 preplacement reports shall be filed together with the original report.

17 (6) A copy of the completed preplacement report shall be delivered
18 to the person requesting the report.

19 (7) A person may request that a report not be completed. A
20 reasonable fee may be charged for the value of work done.

21 **Sec. 5.** RCW 26.33.240 and 1987 c 170 s 8 are each amended to read
22 as follows:

23 (1) After the reports required by section 2 of this act and RCW
24 26.33.190 and 26.33.200 have been filed, the court shall schedule a
25 hearing on the petition for adoption upon request of the petitioner for
26 adoption. Notice of the date, time, and place of hearing shall be
27 given to the petitioner and any person or agency whose consent to
28 adoption is required under RCW 26.33.160, unless the person or agency
29 has waived in writing the right to receive notice of the hearing. If
30 the child is an Indian child, notice shall also be given to the child's
31 tribe. Notice shall be given in the manner prescribed by RCW
32 26.33.310.

33 (2) Notice of the adoption hearing shall also be given to any
34 person who or agency which has prepared a preplacement report. The
35 notice shall be given in the manner prescribed by RCW 26.33.230.

36 (3) If the court determines, after review of the petition,
37 (~~preplacement and post-placement~~) reports, and other evidence

1 introduced at the hearing, that all necessary consents to adoption are
2 valid or have been dispensed with pursuant to RCW 26.33.170 and that
3 the adoption is in the best interest of the adoptee, and, in the case
4 of an adoption of an Indian child, that the adoptive parents are within
5 the placement preferences of 25 U.S.C. Sec. 1915 or good cause to the
6 contrary has been shown on the record, the court shall enter a decree
7 of adoption pursuant to RCW 26.33.250.

8 (4) If the court determines the petition should not be granted
9 because the adoption is not in the best interest of the child, the
10 court shall make appropriate provision for the care and custody of the
11 child.

12 **Sec. 6.** RCW 26.33.400 and 1991 c 136 s 6 are each amended to read
13 as follows:

14 (1) Unless the context clearly requires otherwise, "advertisement"
15 means communication by newspaper, radio, television, handbills,
16 placards or other print, broadcast, or the electronic medium. This
17 definition applies throughout this section.

18 (2) No person or entity shall cause to be published for
19 circulation, or broadcast on a radio or television station, within the
20 geographic borders of this state, an advertisement of a child or
21 children offered or wanted for adoption, or shall hold himself or
22 herself out through such advertisement as having the ability to place,
23 locate, dispose, or receive a child or children for adoption unless
24 such person or entity is:

25 (a) A duly authorized agent, contractee, or employee of the
26 department or a children's agency or institution licensed by the
27 department to care for and place children;

28 (b) A person who has a completed preplacement report as set forth
29 in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable
30 recommendation as to the fitness of the person to be an adoptive
31 parent, or such person's duly authorized uncompensated agent, or such
32 person's attorney who is licensed to practice in the state.
33 Verification of compliance with the requirements of this section shall
34 consist of a written declaration by the person or entity who prepared
35 the preplacement report.

36 Nothing in this section prohibits an attorney licensed to practice

1 in Washington state from advertising his or her availability to
2 practice or provide services related to the adoption of children.

3 (3)(a) A violation of subsection (2) of this section is a matter
4 affecting the public interest ((for the purpose of applying chapter
5 19.86 RCW. A violation of subsection (2) of this section is not
6 reasonable in relation to the development and preservation of business.
7 A violation of subsection (2) of this section)) and constitutes an
8 unfair or deceptive act or practice in trade or commerce for the
9 purpose of applying chapter 19.86 RCW.

10 (b) The attorney general may bring an action in the name of the
11 state against any person violating the provisions of this section in
12 accordance with the provisions of RCW 19.86.080.

13 (c) Nothing in this section applies to any radio or television
14 station or any publisher, printer, or distributor of any newspaper,
15 magazine, billboard, or other advertising medium which accepts
16 advertising in good faith without knowledge of its violation of any
17 provision of this section after an attempt to verify the advertising is
18 in compliance with this section.

19 NEW SECTION. Sec. 7. A new section is added to chapter 26.33 RCW
20 to read as follows:

21 It is prohibited in the state of Washington for any entity engaged
22 in any service related to the adoption of children to operate as a for-
23 profit entity.

24 NEW SECTION. Sec. 8. Sections 1 through 7 of this act take effect
25 January 1, 2007.

26 NEW SECTION. Sec. 9. The secretary of the department of social
27 and health services may take the necessary steps to ensure that this
28 act is implemented on its effective date."

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1 On page 1, line 1 of the title, after "adoption;" strike the
2 remainder of the title and insert "amending RCW 26.33.045, 26.33.190,
3 26.33.240, and 26.33.400; adding new sections to chapter 26.33 RCW;
4 creating a new section; and providing an effective date."

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